

602.8107 Collection of court debt.

1. *Definition.* As used in [this section](#) unless the context otherwise requires:

a. “*Court debt*” means all fines, penalties, court costs, fees, forfeited bail, surcharges under [chapter 911](#), victim restitution, court-appointed attorney fees or expenses of a public defender ordered pursuant to [section 815.9](#), or fees charged pursuant to [section 356.7](#) or [904.108](#).

b. “*Installment agreement*” means an agreement made for the payment of court debt in installments.

c. “*Installment payment*” means the partial payment of court debt which is divided into portions that are made payable at different times.

2. *Clerk of the district court collection.* Court debt shall be owed and payable to the clerk of the district court. All amounts collected shall be distributed pursuant to [sections 602.8106](#) and [602.8108](#) or as otherwise provided by this Code. The clerk may accept payment of an obligation or a portion thereof by credit card. Any fees charged to the clerk with respect to payment by credit card may be paid from receipts collected by credit card.

a. If the clerk receives payment from a person who is an inmate at a correctional institution or who is under the supervision of a judicial district department of correctional services, the payment shall be applied to the balance owed under the identified case number of the case which has resulted in the placement of the person at a correctional institution or under the supervision of the judicial district department of correctional services.

b. If a case number is not identified, the clerk shall apply the payment to the balance owed in the criminal case with the oldest judgment against the person.

c. Payments received under [this section](#) shall be applied in the following priority order:

(1) Pecuniary damages as defined in [section 910.1, subsection 3](#).

(2) Fines or penalties and criminal penalty and law enforcement initiative surcharges.

(3) Crime victim compensation program reimbursement.

(4) Court costs, including correctional fees assessed pursuant to [sections 356.7](#) and [904.108](#), court-appointed attorney fees, or public defender expenses.

d. The court debt is deemed delinquent if it is not paid within thirty days after the date it is assessed. An amount which was ordered by the court to be paid on a date fixed in the future pursuant to [section 909.3](#) is deemed delinquent if it is not received by the clerk within thirty days after the fixed future date set out in the court order. If an amount was ordered to be paid by installments, and an installment is not received within thirty days after the date it is due, the entire amount of the court debt is deemed delinquent.

3. *Collection by private collection designee under contract with the judicial branch.*

a. Thirty days after court debt has been assessed, or if an installment payment is not received within thirty days after the date it is due, the judicial branch shall assign a case to the private collection designee under contract with the judicial branch pursuant to [subsection 5](#) to collect debts owed to the clerk of the district court.

b. In addition, court debt which is being collected under an installment agreement pursuant to [section 321.210B](#) which is in default that remains delinquent shall remain assigned to the private collection designee if the installment agreement was executed with the private collection designee; or to the county attorney or county attorney’s designee if the installment agreement was executed with the county attorney or county attorney’s designee.

c. If a county attorney has filed with the clerk of the district court a full commitment to collect delinquent court debt pursuant to [subsection 4](#), the court debt in a case shall be assigned after sixty days to the county attorney as provided in [subsection 4](#), if the court debt in a case is not part of an installment agreement with the private collection designee under contract with the judicial branch pursuant to [subsection 5](#).

4. *County attorney collection.* The county attorney or the county attorney’s designee may collect court debt sixty days after the court debt is deemed delinquent pursuant to [subsection 2](#). In order to receive a percentage of the amounts collected pursuant to [this subsection](#), the county attorney must file annually with the clerk of the district court on or before July 1 a notice of full commitment to collect delinquent court debt for all cases assigned to the county for collection by the court. The annual notice shall contain a list of procedures which will be initiated by the county attorney.

a. [This subsection](#) does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under [subsection 5](#) or under [section 8A.504](#), or fees charged pursuant to [section 356.7](#).

b. Amounts collected by the county attorney or the county attorney's designee shall be distributed in accordance with paragraphs "c" and "d".

c. (1) Forty percent of the amounts collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county if the county attorney has filed the notice required by [this subsection](#), unless the county attorney has discontinued collection efforts on a particular delinquent amount.

(2) The remaining sixty percent shall be paid to the clerk of the district court each fiscal year for distribution under [section 602.8108](#). However, if such amount, when added to the amount deposited into the general fund of the county pursuant to subparagraph (1), exceeds the following applicable threshold amount, the excess shall be distributed as provided in paragraph "d":

(a) For a county with a population greater than one hundred fifty thousand, an amount up to five hundred thousand dollars.

(b) For a county with a population greater than one hundred thousand but not more than one hundred fifty thousand, an amount up to four hundred thousand dollars.

(c) For a county with a population greater than fifty thousand but not more than one hundred thousand, an amount up to two hundred fifty thousand dollars.

(d) For a county with a population greater than twenty-six thousand but not more than fifty thousand, an amount up to one hundred thousand dollars.

(e) For a county with a population greater than fifteen thousand but not more than twenty-six thousand, an amount up to fifty thousand dollars.

(f) For a county with a population equal to or less than fifteen thousand, an amount up to twenty-five thousand dollars.

d. Any additional moneys collected by an individual county after the distributions in paragraph "c" shall be distributed by the state court administrator as follows: forty percent of any additional moneys collected by the county attorney or the person procured or designated by the county attorney shall be deposited in the general fund of the county where the moneys were collected; twenty percent of the remaining sixty percent collected by the county attorney or the person procured or designated by the county attorney shall be deposited with the office of the county attorney that collected the moneys; and the remainder shall be paid to the clerk of the district court for distribution under [section 602.8108](#) or the state court administrator may distribute the remainder under [section 602.8108](#) if the additional moneys have already been received by the state court administrator.

e. (1) A county may enter into an agreement pursuant to [chapter 28E](#) with one or more other counties for the purpose of collecting delinquent court debt pursuant to [this subsection](#).

(2) Notwithstanding paragraph "c", if a county subject to the threshold amount in paragraph "c", subparagraph (2), subparagraph division (e) or (f) enters into such an agreement exclusively with a county or counties subject to the threshold amount in paragraph "c", subparagraph (2), subparagraph division (e) or (f), the threshold amount applicable to all of the counties combined shall be a single threshold amount, equal to the threshold amount attributable to the county with the largest population.

f. Beginning July 1, 2010, and every fiscal year thereafter, amounts collected and distributed pursuant to [this subsection](#) shall be equal to or greater than twenty-five thousand dollars for each county or twenty-five thousand dollars in the aggregate for counties that have entered into an agreement pursuant to [chapter 28E](#). If a county, or counties that have entered into a [chapter 28E](#) agreement, fails to meet the minimum threshold established in this paragraph, the county, or counties under the [chapter 28E](#) agreement, shall be ineligible to participate in the county attorney collection program the following fiscal year. In the event a county is ineligible to collect under this program, the county may apply to the state debt coordinator established in [section 421C.1*](#) to reenter the program following the fiscal year of ineligibility.

5. *Assignment to private collection designee.*

a. The judicial branch shall contract with a private collection designee for the collection of court debt after the court debt in a case is deemed delinquent pursuant to [subsection 2](#) if the county attorney is not collecting the court debt in a case pursuant to [subsection 4](#). The judicial branch shall solicit requests for proposals prior to entering into any contract pursuant to [this subsection](#).

b. The contract shall provide for a collection fee of up to twenty-five percent of the amount of the court debt in a case deemed delinquent. The collection fee as calculated shall be added to the amount of the court debt deemed delinquent. The amount of the court debt deemed delinquent and the collection fee shall be owed by and collected from the defendant. The collection fee shall be used to compensate the private collection designee. The contract may also assess the private collection designee an initial fee for entering into the contract.

c. The judicial branch may consult with the department of revenue and the department of administrative services when entering into the contract with the private collection designee.

d. Subject to the provisions of paragraph “b”, the amounts collected pursuant to [this subsection](#) shall be distributed as provided in [subsection 2](#). Any initial fee collected by the judicial branch shall be deposited into the general fund of the state.

e. The private collection designee may utilize any debt collection methods including but not limited to attachment, execution, or garnishment.

6. *Write off of old debt.* If any portion of the court debt in a case remains uncollected after sixty-five years from the date of imposition, the judicial branch shall write off the debt as uncollectible and close the case file for the purposes of collection pursuant to [this section](#).

7. *Reports.* The judicial branch shall prepare a report aging the court debt. The report shall include the amounts collected by the private collection designee, the distribution of these amounts, and the amount of the fee collected by the private collection designee. In addition, the report shall include the amounts written off pursuant to [subsection 6](#). The judicial branch shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the legislative services agency, and the department of management by December 15 of each year.

93 Acts, ch 110, §8; 94 Acts, ch 1023, §118; 94 Acts, ch 1142, §2, 3; 95 Acts, ch 169, §6 – 8, 10; 96 Acts, ch 1219, §72; 97 Acts, ch 128, §3; 98 Acts, ch 1047, §60; 98 Acts, ch 1116, §2; 2001 Acts, ch 168, §2; 2002 Acts, ch 1119, §96; 2003 Acts, ch 145, §273, 286; 2004 Acts, ch 1101, §84; 2004 Acts, ch 1119, §4; 2004 Acts, ch 1175, §199, 200; 2007 Acts, ch 196, §9 – 11; 2008 Acts, ch 1172, §25; 2009 Acts, ch 41, §263; 2009 Acts, ch 119, §45; 2010 Acts, ch 1146, §16 – 21; 2012 Acts, ch 1063, §4; 2013 Acts, ch 90, §171; 2015 Acts, ch 138, §92 – 96, 161, 162

Referred to in §96.11, §321.11A, §321.40, §321.210A, §321.210B, §331.756(5)(d), §602.8102(105B), §602.8103, §602.8105, §901.5B, §907.7, §907.9

Surcharges, see chapter 911

Victim compensation fund, see §915.94

*Former chapter 421C, establishing the office of state debt coordinator, is repealed effective January 1, 2014; corrective legislation is pending

2015 amendments take effect July 2, 2015, and apply retroactively to July 1, 2015; 2015 Acts, ch 138, §161, 162

Subsections 1 and 3 amended

Subsection 4, paragraph g stricken

Subsection 5, paragraph a amended

Subsection 5, paragraph e stricken and rewritten